



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during September 2008**  
**DISTRIBUTED: October 31, 2008**

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*This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [Peter.J.Carney@Maine.gov](mailto:Peter.J.Carney@Maine.gov) for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>. If you are receiving this report via regular mail, but would prefer to receive an electronic version please send an email to the above address with your contact information.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose civil penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):**

*Air:*

**NCTAMS LANT DET, Cutler, Maine.** The Naval Computer and Telecommunications Station Cutler ("NCTAMS") violated provisions of its Department-issued Air Emission License by failing to conduct eighty-one required tests for NOx (nitrogen oxide). To resolve the violations, NCTAMS and the United States Navy paid \$81,000 as a civil monetary penalty.

**BJME Operating Corp. d/b/a BJ's Wholesale Club, Portland, Maine.** BJ's Wholesale Club ("BJ's") violated Maine's *Gasoline Dispensing Facilities Vapor Control* rule by conducting required vapor recovery testing late on three occasions. To resolve the violations, BJ's paid \$1,500 as a civil monetary penalty.

**Dragon Products Company, LLC, Thomaston, Maine.** Dragon Products Company, LLC ("Dragon") violated provisions of its Department-issued Air Emission License by exceeding license limits for particulate matter, failing to perform visible emissions testing, failing to keep proper records for visible emission testing, submitting a required annual emission inventory late, and exceeding license limits for baghouse temperature. To resolve the violations, Dragon agreed to pay \$149,432 as a civil monetary penalty. Of the total penalty, the amount of \$119,545 will be used by Dragon to perform a Department-approved Supplemental Environmental Project to reduce particulate emissions.

*Asbestos:*

**Atlantic Construction Services, Inc., Auburn, Maine.** Atlantic Construction Services, Inc. ("Atlantic Construction Services") violated provisions of the Department's *Asbestos Management Regulations* by storing asbestos waste without a permit from the Department. To resolve the violation, Atlantic Construction Services paid \$2,250 as a civil monetary penalty.

*Land:*

**Paris Holdings, LLC, South Paris, Maine.** Paris Holdings, LLC ("Paris Holdings") violated provisions of Maine's *Stormwater Management Law* by disturbing more than one acre of land without first obtaining a stormwater permit from the Department. To resolve the violation, Paris Holdings agreed to submit an after-the-fact permit application and paid \$2,900 as a civil monetary penalty.

*Mining:*

**David Hill, Lyman, Maine.** David Hill ("Hill") violated provisions of Maine's *Performance Standards for Excavations* by excavating gravel from below the seasonal high water table, and by operating a working gravel pit larger than ten acres without first obtaining variances from the Department. Following Department involvement,



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Hill submitted an after-the-fact variance application to mine gravel below the seasonal high water table and construct a 60-acre pond in accordance with Department rules. Because the pit floor will remain permanently flooded, this area is not included in calculating the active working area of the pit. To resolve the violations, Hill paid \$3,600 as a civil monetary penalty.

*Multi-program:*

**Verso Androscoggin, LLC, Jay, Maine.** Verso Androscoggin, LLC (Verso) violated provisions of Maine's *Water Pollution Control* laws on six occasions by having discharges of process wastewater, leachate, and/or liquid sludge that were not covered by the facility's license. Verso violated provisions of its Department-issued Maine Pollutant Discharge Elimination System Permit/Maine Waste Discharge License by discharging heat into the Androscoggin River that caused the temperature to rise 0.1 degree over the applicable standard at the time. Verso violated provisions of its Air Emissions License by using expired gas cylinders to conduct a cylinder gas audit on the facility's O2 continuous emission monitor. To resolve the violations, Verso agreed to perform several infrastructure improvements to prevent leachate and unauthorized contaminants from being discharged, implement a Department-approved risk-based inspection and maintenance plan for piping at the facility's wastewater treatment plant, complete installation of projects to reduce heat to the waste treatment system, conduct a Department-approved study of the effects of Verso's wastewater discharge on the temperature of the Androscoggin River, conduct a Department-approved study of methods to reduce heat to the waste discharge system, and paid \$11,350 as a civil monetary penalty.

*Water:*

**Richmond Utilities District, Richmond, Maine.** The Richmond Utilities District (RUD) violated provisions of Maine's *Water Pollution Control* laws and the facility's Department-issued Maine Pollutant Discharge Elimination System Permit/Maine Waste Discharge License. RUD is licensed to discharge treated sanitary wastewater to the Kennebec River. RUD exceeded license limits for biochemical oxygen demand, settleable solids, monthly average discharge flow, daily maximum concentration of E. coli bacteria, failed to at all times maintain and/or operate the facility at maximum efficiency, failed to timely report to the Department a bypass of sewage, and permitted the discharge of pollutants that were not covered by the facility's permit including twenty-six high flow related pump station overflows and twenty-six high flow related wastewater treatment facility bypasses. To resolve the violations, RUD agreed to implement a Department-approved system of alarms and/or lights to alert adjacent river users when overflows are occurring, submit for Department approval and implement a plan to eliminate sources of infiltration and inflow to the collection system, install alarms and signage at pump stations, undertake facility modifications to prevent future bypasses of untreated wastewater, and paid \$14,280 as a civil monetary penalty.